



# 1<sup>st</sup> Armored Division Legal Assistance Office



## MARRIAGE, IMMIGRATION, and VISA PROCEDURES IN GERMANY

### Can a foreign national spouse immigrate to the United States?

The Immigration and Nationality Act allows foreign nationals to permanently immigrate to the United States for the purpose of family unity. Being a spouse of a U.S. citizen is one of the relationships that can qualify for permanent residence. However, there are circumstances when foreign spouses and family members are barred from immigrating to the United States, such as being a convicted drug offender, having tested positive for HIV, or having committed a serious crime. For further information on this topic contact the United States Embassy in Frankfurt at 069-75350 ext 336 or 334 or at [frankfurt@us.consulate.gov](mailto:frankfurt@us.consulate.gov)

### How can a foreign national spouse and minor children obtain citizenship?

Obtaining a visa is a two-phase process that requires two trips to the U.S. Consulate in Frankfurt. You do not have to wait on PCS or ETS orders to file for a visa. However, if you file before the issue date on your orders and do not have a memorandum from the unit commander or personnel services company indicating that you have been notified of a PCS move, you will not be reimbursed for any expenses you incur prior to the issue date on your orders. If you do not know when you are leaving, the Consulate will hold your paperwork from Phase I and schedule the interview and medical exam after you know your approximate departure date.

Due to the large expenses involved with obtaining visas, USAREUR policy is to advance the funds necessary to cover these expenses and/or settle this portion of the soldier's PCS voucher prior to departure. Contact the Finance Office for further details.

**PHASE ONE:** Contact the U.S. Consulate Immigration Office in Frankfurt to obtain Form I-130, *Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa* and Form G-325A, *Biographic Information*. The POC is Mr. Don Owens. Phone 069-7535-2331. Fax 069 7410-971. You must comply with the following steps:

- 1) Fill out both of the forms above completely. Make two copies of Form G-325A. Remember to put the departure date in the upper right hand corner of Form I-130.
- 2) Provide a color passport photo with the right ear completely exposed, no earrings, no glasses, and with a white background in accordance with the size specifications listed on the U.S. Immigration and Naturalization Service specification sheet. The cost of the passport is reimbursable by Army Finance if orders have been issued or with a memorandum from your unit commander or personnel services company notifying you of a PCS move prior to the purchase of passport photographs. Passport photos can be made at the photo machines at the U.S. Consulate in Frankfurt.
- 3) Compile the following documents listed on Form I-130 in original form plus one copy:
  - a) Soldier's proof of U.S. citizenship: certified birth certificate (raised, embossed, impressed, or multicolored seal from state or county vital statistics office (hospital birth certificates are not acceptable); or U.S. Passport; or a certificate of naturalization; or Form FS-240, Report of Birth Abroad of a U.S. Citizen. A military identification card is NOT proof of United States citizenship. The cost of obtaining these documents is reimbursable by Army Finance if orders have been issued or with a memorandum from your unit commander or personnel services company notifying you of a PCS move prior to obtaining these documents.
  - b) Certified copy of marriage certificate, registered with civil authorities where the marriage occurred. Nothing else is acceptable, including certificates issued by Embassies or Consulates or certificates issued by a chapel, church, synagogue, or mosque.
  - c) Original or certified copies of all previous divorce decrees and/or death certificates. A complete English translation must accompany these documents if they are in a foreign language.
  - d) Adoption degree or court order showing name change.



- e) Other documents required by Form I-130 as required based on type of relative applying for a visa (spouse, child, brother, etc.).
- 4) All documents not in English must be translated. Translation services are not available at the U.S. Consulate. If the document is in German and the spouse can completely translate it, the INS and State Department will accept the spouse's translation. If the translation is determined to be incorrect, the applicant's paperwork will be rejected. Translations should be typed, but legible handwritten translations will be accepted. If you need translation services, look in the German telephone book under *Übersetzer Buro* or *Dolmetscher*. Translation fees are reimbursable by Army Finance if orders have been issued or with a memorandum from your unit commander or personnel services company notifying you of a PCS move prior to the translation service and the translation service was not performed by a civilian legal service.
- 5) Turn in these documents. At Window 12 at the U.S. Consulate in Frankfurt. Once documents are checked and accepted you will be issued a bill to take to the cashier's window. Pay the application fee (only U.S. cash or money orders are accepted) to the cashier and you will receive a receipt. Next, go straight to the front of the line at Window 12 and turn in your receipt. Your petition will be stamped to indicate that you have paid the fee. The petition fee is reimbursable by Army Finance if orders have been issued or with a memorandum from your unit commander or personnel services company notifying you of a PCS move prior to filing the petition.
- 6) Request an Optional Form 169, *Instructions for Immigrant Visa Applicants* at Window 12. Go to Window 8 (where you can obtain an Optional Form 169 if Window 12 was out of the form) and you will be given a case number there. This case number is important if you write or call the U.S. Consulate concerning the status of the immigrant visa. (This is the end of Phase One.)

PHASE TWO: Phase two consists of directions for obtaining an immigrant visa. The POC is Mrs. Rita Pohl-Vanleeuwen at 069-7535-2235.

- 1) You will receive the checklist of documents (OF 169) and the *Application for Immigrant Visa and Alien Registration* (OF 230 D Part I) either in person at Window 21, by military courier, or by mail, depending on your personal situation. Form 230 D Part I must be completed by the person getting the visa and should be returned as soon as possible. Obtain all the original documents plus one copy listed on the OF 169 for the foreign spouse applicant only. Once all the documents are compiled, the foreign spouse applicant signs and returned the OF 169 in person or by mail to the U.S. Consulate. Do NOT mail any documents with OF 169. The documents you need to obtain are:
  - a) Valid passport
  - b) Birth certificate
  - c) Police certificate from each country of residence where the beneficiary has resided for six months or more after age 16. (Obtaining a police clearance from Korea, the Philippines, and a few other countries can take up to 4 months.)
  - d) Court and prison records, if applicable
  - e) Military records, if applicable
  - f) Two color passport photographs (see specification sheet)
  - g) *Evidence of Support*, Optional Form 167, and, if required, Form I-134, Affidavit of Support. PCS orders will meet this requirement if the soldier is staying in the service for at least six more months.
  - h) Marriage certificates
  - i) Custody documents
  - j) Divorce, annulment, or death certificate, if applicable
  - k) Vaccination and immunization records
- 2) All documents not in English must be translated. Translation services are not available at the U.S. Consulate. If the document is in German and the spouse can completely translate it, the INS and State Department will accept the spouse's translation. If the translation is determined to be incorrect, the applicant's paperwork will be rejected. Translations should be typed, but legible handwritten translations will be accepted. If you need translation services, look in the German telephone book under *Übersetzer Buro* or *Dolmetscher*. Translation fees are reimbursable by Army Finance if orders have been issued or with a memorandum from your unit commander or personnel services company notifying you of a PCS move prior to the translation service and the translation service was not performed by a civilian legal service.



- 3) Once you have assembled all the documents required, complete Optional Form 169 and return it to the Immigration and Naturalization Service. The U.S. Consulate will process OF 169 within 5 working days and notify the applicant by mail of the appointment dates for an interview and a physical exam. Appointment letters are mailed in the second half of the month for appointments the following month. All appointments are scheduled for 0800 in the morning approximately 4 weeks from the departure date that you give to the U.S. Consulate. On the day of the appointment, stop in the Consulate at the cashier's window and pay the interview fee. Take the receipt issued from the cashier to Window 8. Applicants should arrive early, as parking at the U.S. Consulate is extremely limited on the street, and they should plan on parking elsewhere in Frankfurt, such as the Abrams Complex or the Frankfurt Shopping Center. The applicant should bring the following documents:
  - a) Appointment letter
  - b) Form 9003, *Additional Questions to be Completed by All Applicants for Permanent Residence in the United States* (a tax questionnaire)
  - c) Optional Form 230, Part II
  - d) Instructions for the Medical Examination
  - e) Supplemental Information Letter, which contains a map and written directions to the U.S. Consulate
- 4) The fees (only U.S. dollars or money orders accepted) are reimbursable by Army Finance if orders have been issued or with a memorandum from your unit commander or personnel services company notifying you of a PCS move prior to the interview. There will be a fee (different for applicants 15 and older and applicants 14 and younger) to pay the doctor for the medical exam. The doctor will not accept a German health insurance card. The fee for the medical exam is NOT reimbursable from Army Finance. Only the applicants are required to come to the appointments. If the move is not a PCS move, the soldier should come to answer any possible questions concerning Form I-134, Affidavit of Support, that was submitted. Once the interview and medical exam are complete, the applicant may go home.
- 5) Once the visa is approved, it can be picked up in person or mailed by registered German Mail to the applicant providing the proper amount of stamps to the Consulate. The fee for mailing your visa is reimbursable by Army Finance if orders have been issued or with a memorandum from your unit commander or personnel services company notifying you of a PCS move prior to providing the German stamps to the Consulate.
- 6) You may open the OUTER envelope when you receive the visa in the mail, but DO NOT open the visa envelope. The visa envelope is to be opened by the immigration officer at the port of entry in the United States. (If you open the visa envelope you will have to pay another fee for a new visa and will be delayed from leaving Germany.)
- 7) The visa is only good for 120 days from the date of issue. The applicant must enter the United States prior to the expiration date and hand carry the visa envelope and passport. DO NOT PACK THE VISA in checked luggage or ship it in household goods.

### **Is this process different for the foreign-born children of a foreign-born spouse?**

An application for the foreign-born child of your foreign-born spouse must include the child's birth certificate and all of the documents submitted for a foreign-born spouse. The child must have been under the age of 18 at the time of the marriage between the sponsor and the foreign-born citizen. An immigration petition may not be filed for a child that has claim to United States citizenship. A child born in the United States or a child of an American citizen may be a United States citizen. This issue must be resolved by the passport section before any immigration petition is accepted.

### **How can a foreign national fiancé(e) obtain a visa?**

File a Form I-129F petition for your intended spouse to come to the United States for the marriage. A fiancée visa, like an immigrant visa, can take many months to process. Therefore, file the petition as soon as possible. Your fiancée must apply for the visa within four months of receiving the approved petition. The marriage must occur within 90 days after arriving in the United States.

### **How does my spouse become a permanent resident?**

Spouses who receive their residence based upon a marriage of less than two years' duration must serve a period of "conditional residence" for two years prior to becoming permanent residents. Spouses whose marriages terminate during the two years of conditional residence must seek a waiver from the Immigration and Naturalization Service in

order to obtain permanent residence. Military personnel serving overseas should be aware that a marriage entered into solely for the purpose of obtaining legal residency status for the foreign spouse is not legal for the purpose of immigration. Non-U.S. citizens may sometimes entice military personnel into bogus marriages and may have no intention of continuing the marriage relationship after they have achieved the benefit (legal migration) that they are seeking. *If you knowingly enter into such an arrangement, you may be subject to criminal and civil penalties under U.S. immigration law and regulation.*